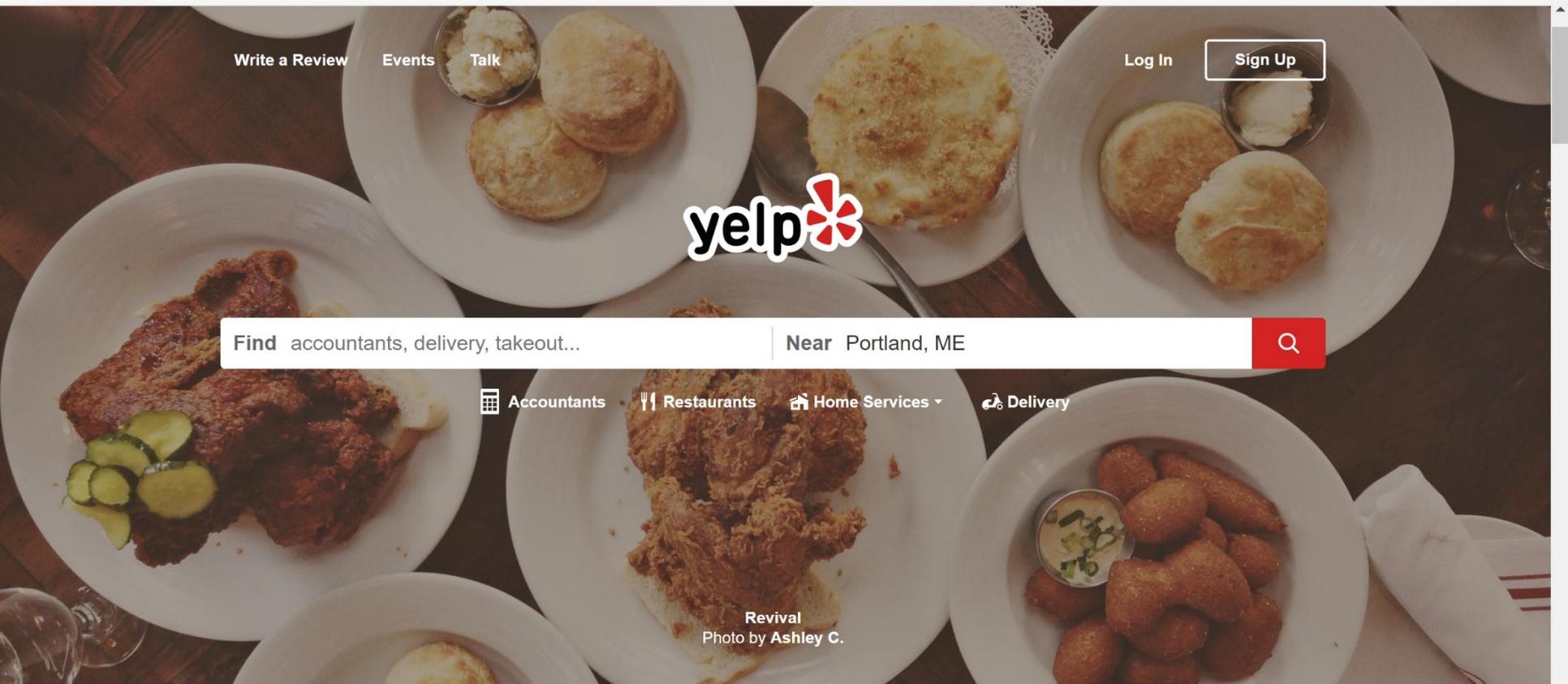


Bar Talk – May 22, 2020

- Emergency/Executive Order updates
 - May 14 Stakeholders Advisory Session recording available on SJC website: <https://www.courts.maine.gov/covid19.shtml>
- Guest: Bar Counsel Aria Ee, Overseers
- Business-side updates
 - SJC invites comments on portions of the proposed Maine Rules of Electronic Court Systems
 - MSBA
 - MSBA will be closed on Monday, May 25 for Memorial Day
 - upcoming guests: Bill Nugent on 5/26; DA Andrew Robinson on 5/27; Dean Saufley on 5/28; Aria Ee on 5/29; ACJ Mead on 6/1
- Personal-side updates
 - journal: thankful for veterans who gave the ultimate sacrifice
- Questions/requests: MSBA can liaise – please send to aarmstrong@mainebar.org



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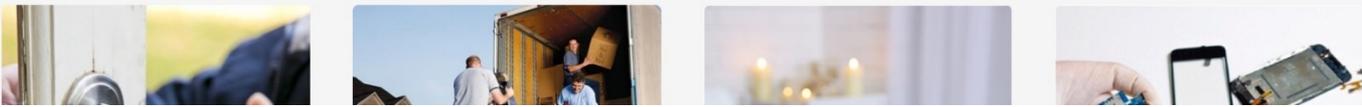


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1.6 Confidentiality of Information

- (a) A lawyer shall not reveal a confidence or secret of a client unless, (i) the client gives informed consent; (ii) the lawyer reasonably believes that disclosure is authorized in order to carry out the representation; or (iii) the disclosure is permitted by paragraph (b).
- (b) A lawyer may reveal a confidence or secret of a client to the extent the lawyer reasonably believes necessary:
- (1) to prevent reasonably certain substantial bodily harm or death;
 - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's professional obligations;
 - (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
 - (6) in connection with the sale of a law practice under Rule 1.17A or to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm. In those circumstances, a lawyer may disclose with respect to each affected client the client's identity, the identities of any adverse parties, the nature and extent of the legal services involved, and fee and payment information, but only if the information revealed would not compromise the attorney-client privilege or otherwise prejudice any of the clients. The lawyer or lawyers receiving the information shall have the same responsibilities as the disclosing lawyer to preserve the information regardless of the outcome of the contemplated transaction; or
 - (7) to comply with other law or a court order.
- (c) Before revealing information under paragraph (b) (1), (2), or (3), the lawyer must, if feasible, make a good-faith effort to counsel the client to prevent the harm and advise the client of the lawyer's ability to reveal information and the consequences thereof. Before revealing information under paragraph (b)(5) or (6), in controversies in which the client is not a complainant or a party, the lawyer must, if feasible, make a good faith effort to provide the client with reasonable notice of the intended disclosure.
- (d) As used in Rule 1.6, "confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information relating to the representation if there is a reasonable prospect that revealing the information will adversely affect a material interest of the client or if the client has instructed the lawyer not to reveal such information.

Invitation for Comments on Proposed Rules Re: Electronic Records & Filing

- The Supreme Judicial Court invites comments on portions of the proposed Maine Rules of Electronic Court Systems, including:
 - (1) proposed revisions to Rules 1 and 2 of the rules previously proposed as the Maine Digital Court Records Access Rules
 - (2) a newly proposed Rules of Electronic Filing and Service to govern the use of the courts' electronic filing system when it is implemented.
- The full invitation, the proposed rules, and the previously proposed Maine Digital Court Records Access Rules are available on the Court's website at:
https://www.courts.maine.gov/rules_adminorders/rules/proposed/2020-05-21_mrecs/notice.shtml
- Comments are due by 4:00 p.m. on June 4, 2020

